

## MEETING MINUTES

### Riley-Purgatory-Bluff Creek Watershed District

### June 5, 2024, RPBCWD Board of Managers Regular Monthly Meeting

**PRESENT:**

**Managers:**

Jill Crafton, Treasurer  
Tom Duevel, Secretary  
Larry Koch\*  
Dorothy Pedersen, President  
David Ziegler, Vice President

**Staff:**

Zach Dickhausen\*, Natural Resources Coordinator  
Liz Forbes\*, Communication Manager  
Terry Jeffery, District Administrator  
Eleanor Mahon\*, Community Engagement Coordinator  
Josh Maxwell\*, Water Resources & Fisheries Manager  
Dylan Monahan, Administrative Assistant  
Alaina Portoghese\*, Communications Specialist  
Louis Smith, Attorney, Smith Partners  
Scott Sobiech, Barr Engineering Company  
Rachel Whittington, MN GreenCorps\*

**Other Attendees:**

Andrew Aller	Clark Lohr
John Bender	Sean McCuistian
Anton Cheskis	Matt Olson
Aidan Forbes*	Joe Seidl
Bettie Halverson	Jason P.*
Charlie Howley	Amanda Thomas*

*\*Attended the meeting virtually.*

#### 1. Call to Order of Board of Managers Regular Monthly Meeting

- 1 President Dorothy Pedersen called to order the Wednesday, June 5, 2024, Board of
- 2 Managers Regular Meeting at 7:00 p.m. at the District Office, 18681 Lake Drive East,
- 3 Chanhassen, Hennepin County, Minnesota.
- 4 President Pedersen stated that by declaration of the president this meeting is being held in
- 5 person in public and hybrid while the District recognizes a manager may, based on advice
- 6 from a healthcare professional, have a legitimate reason for not attending a meeting in a

7 public place in person, such as Covid-19 exposure or infection, and in such circumstances  
 8 may participate in the meeting remotely.

9 Louis Smith called attendance for the Board of Managers as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Present
Duevel	Present
Koch	Present
Pedersen	Present
Ziegler	Present

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 11 **2. Approval of Agenda**

11 Manager Ziegler moved to approve the agenda as written. Manager Crafton seconded the  
 12 motion.

13 Manager Larry Koch requested consolidating all the reports into one resolution for purposes  
 14 of accepting the reports, reserving ability to discuss the items, and removing off the Consent  
 15 Agenda the items 6e – Approve Permit 2024-018 Miller Park Outdoor Courts as Presented  
 16 in the Proposed Board Action Section of the Permit Review Report and 6f – Adopt  
 17 Resolution 24-040 Approving Grant for \$11,444.03 to Minnesota Creekview HOA, Plus  
 18 Three Years of Professional Maintenance.

19 Manager Ziegler and Manager Crafton consented to the change to the motion.

20 Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

**3. Matters of General Public Interest**

24 President Pedersen called for public comment on matters of general public interest. No  
25 comments were made.  
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**4. Reading and Approval of Meeting Minutes**

27 a. **Approve Minutes of the May 8, 2024, Regular Meeting of the RPBCWD Board of**  
28 **Managers**

29 Manager Ziegler moved to approve the minutes of the May 8, 2024, Regular Meeting of  
30 the RPBCWD Board of Managers. Manager Duevel seconded the motion.

31 Upon a roll call vote, the motion carried 4-0 as follows:  
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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Abstain
Pedersen	Yes
Ziegler	Yes

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**5. Committee Reports**

35 a. **Adopt Resolution 2024-037 Receiving Committee Reports.**

36 • **Receive Citizen Advisory Committee's Report and Minutes**

37 Andrew Aller reported the CAC met and enjoyed the Creek Week trivia program  
38 conducted by Liz Forbes. He said the CAC received a Board update and update  
39 on District programs and projects, including the Watershed District Passport  
40 educational program. Mr. Aller said the CAC discussed if the District should be  
41 involved in groundwater conservation, and if so, how. He said the CAC would  
42 like to know if the Board is seeking CAC feedback on documents or plans created  
43 by the watershed as it moves forward with its projects or EHAP. He noted the  
44 CAC meets on June 17 and will have a presentation by the District's Minnesota  
45 GreenCorps member Rachel Whittington on the sampling program related to

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EHAP. Mr. Aller reported the CAC will have a presentation by Andrew Forbes of the U.S. Fish and Wildlife Service at the CAC's July meeting.

**b. Confirm Board Representative for the June CAC Meeting**

Manager Ziegler volunteered to be the Board representative at the June CAC meeting.

Manager Koch moved to adopt Resolution 24-037 to Accept Committee Reports, with the amendment to also receive the District May Staff Report, May Engineer's Report, May Regulatory Report and reserving opportunity for questions by the managers after having received the reports. Manager Ziegler seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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**6. Consent Agenda**

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**a. Adopt Resolution 24-038 to Approve Consent Agenda**

No action taken.

**b. May Staff Report**

[The Board received the report as part of agenda item 5c.] Manager Koch commended Administrator Jeffery for saving the District money on the cellular phone expenses. Manager Koch commented he did not recall the Board authorizing staff to spend time on tasks related to preparing the CAC member guidance document. He said he thinks the District's prior record is replete with matters where the staff was not to perform any services other than attending CAC meetings without approval of the Board. Manager Koch asked where the Middle Lotus Lake Tributary is located. Administrator Jeffery responded it is the outlet through the Frontier Trail Association. Manager Koch asked staff to send him a map or coordinates. Administrator Jeffery said staff can send him an

73 updated map of sampling locations. Manager Koch asked if there will be a presentation on  
74 the District's Score the Shore work. Administrator Jeffery said yes, perhaps in August.  
75 Manager Koch asked staff to send him the URL for the searchable library for meeting  
76 minutes. Administrator Jeffery said he can provide it. Manager Koch asked if the District  
77 has a location on its website for submitting data requests. Administrator Jeffery said yes  
78 and he will send Manager Koch the link.

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80 **c. May Engineer's Report**

81 [The Board received the report as part of agenda item 5c.]

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83 **d. May Regulatory Report**

84 [The Board received the report as part of agenda item 5c.] Manager Koch commented the  
85 silt barrier over the storm drain on Lake Lucy road at Galpin Boulevard is out of place. He  
86 asked if the work on the south side of Lake Lucy Road was permitted and asked staff to  
87 let him know.

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**7. New Business**

90 **a. Items Removed from Consent Agenda**

91 **i. Approve Permit 2024-018 Miller Park Outdoor Courts as Presented**  
92 **in the Proposed Board Action Section of the Permit Review Report**

93 Manager Ziegler moved to approve Permit 2024-018 Miller Park Outdoor Courts  
94 as Presented in the Proposed Board Action Section of the Permit Review Report.  
95 Manager Duevel seconded the motion.

96 Manager Koch said he is concerned about the use of percentages because a huge  
97 area could be impacted and could avoid the District's rules. He suggested the  
98 District look at setting square footage limitations in its rules. Administrator  
99 Jeffery said the District's stormwater rules are triggered at 5,000 square feet of  
100 disturbance of impervious area. He described how the District uses percentages  
101 in its rules. Manager Koch said he would like the Board and staff to revisit this  
102 topic when discussing the District's rules.

103 Upon a roll call vote the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes

Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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**ii. Approve Resolution 2024-040 Approving Grant for \$11,444.00 Minnesota Creekview HOA, plus Three Years of Professional Maintenance**

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Manager Ziegler moved to approve Resolution 2024-040 Approving Grant for \$11,444.00 Minnesota Creekview HOA, Plus Three Years of Professional Maintenance. Manager Crafton seconded the motion.

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Manager Koch said he thinks the District should be held harmless from any and all actions other than for its own willful misconduct, so he thinks the agreement and form of agreement needs to be reviewed and needs significant improvement to cover the District.

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Manager Crafton raised her concern about the project bringing in mulch and what could be introduced to the watershed in the mulch and seeding. President Pedersen commented typically the industry uses mulch that has been in large piles, effectively composting and generating enough heat to eliminate concerns about anything harmful being transported in the mulch.

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Manager Koch suggested the Board look at whether there are any certifications out there regarding mulch and if so, to consider making that a requirement. He said he is concerned about using mulch and creating mulch, which is degradable and releases more carbon dioxide and monoxide into the atmosphere and results in as much harm as good. He suggested a literature review to find out if there are better options than mulch.

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Upon a roll call vote, the motion carried 4-1 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

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**b. Accept May Treasurer’s Report**

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Manager Crafton moved to accept the May Treasurer’s report. She said it has been reviewed in compliance with our internal controls and practices. Manager Ziegler seconded the motion.

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Manager Koch said he has a problem with how the District’s credit card charges are entered into the accounting system because the vendor as the credit card company is not the appropriate way to record the transactions because the practice can lead to fraud and misstatements. He recommended using good accounting principles and treating acquisitions by credit card the same as acquisitions by checks. Manager Koch suggested setting up purchasing cards for District employees. He brought up his concern of foreign purchases and ensuring security.

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Manager Koch asked about the \$500 legal cost listed in the report as Galler Properties LLC. Administrator Jeffery said it is a payment toward legal costs of the agreement of one of the properties abutting the Upper Riley Creek project. Manager Koch said he does not think that is within the general scope of staff’s ability to approve and instead should come back to the Board as part of appropriate District cash management processes. Manager Koch asked about the payment of property taxes for the Spring Road property and if the District can qualify for exemption. Administrator Jeffery responded the contract for deed specifies the District is responsible for the taxes. Manager Koch said it is worth investigating whether property taxes do or do not apply and informing the Board before the District pays those property taxes. Manager Koch asked if Administrator Jeffery can send him the contract for deed provision dealing with property taxes. Manager Koch said he is not sure if he has the final signed agreement and asked Administrator Jeffery to send it to him. Manager Koch asked what the payment to Carol Standal was for, as listed in the Treasurer’s Report. Administrator Jeffery said the first interest payment per the terms of the contract for deed. Manager Koch questioned the authority of the Administrator to pay off credit card charges before the Board’s monthly meeting. Manager Koch said he thinks this should be looked into by the Audit and Finance Committee.

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Upon a roll call vote, the motion carried 4-1 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	No
Pedersen	Yes
Ziegler	Yes

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**c. Adopt Resolution 24-039 Approving Payment of the Bills**

Manager Crafton moved to adopt Resolution 24-039 Approving Payment of the Bills. Manager Duevel seconded the motion. Upon a roll call vote, the motion carried 5-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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**d. Consider Permit 2023-007 Enclave at Manor Road Variance Request from Rule J for Rate Control as Presented in the Proposed Board Action Section of the Permit Review Report**

Mr. Sobiech displayed the PowerPoint presentation “2023-077 Enclave at Manor Road – 6/5/24.” Mr. Sobiech explained the applicant requests a variance from the District’s rate control requirement.

Mr. Sobiech said the proposed project is on a 6.5-acre site to redevelop a single-family home property to a 17-lot single-family home subdivision and preserving approximately 20%, or 1.32 acres, of the area. He said the applicant needs to ask for a variance because of the way the drainage is coming off the site today compared to the way the applicant wants it post-development. Mr. Sobiech explained right now the drainage is a natural sheet flow through the neighbor’s property. He said under proposed conditions the natural area remaining in the northern part of the parcel will sheet flow as it does today. Mr. Sobiech explained for any area that will be developed, the drainage will be collected and routed through a storm water BMP and discharged into a storm sewer system. He said because the applicant is proposing to change the stormwater discharge location, the applicant needs a variance.

Mr. Sobiech stated, regarding inflow into Purgatory Creek, under proposed conditions the flow rates entering Purgatory Creek will decrease. Mr. Sobiech said regarding impacts offsite if the variance is granted, Low Area 1 would have no changes in a 2-year or 10-year event and slightly reduced risk in a 100-year event. He said at Low Area 6, there would be a significant decrease in flood risk in a 2-year event, the 10-year event is unchanged, and for the 100-year event there is a one-tenth of a foot increase in flood risk. Mr. Sobiech



190 said under proposed conditions, Low Area 9 shows reduction in flood risk for the two-  
191 year, ten-year, and 100-year event. Mr. Sobiech displayed a map showing the public  
192 drainage and utility easements in place around Low Area 6 and said under existing  
193 conditions and proposed conditions, flooding is contained within the drainage and utility  
194 easements. Mr. Sobiech explained the analysis that determined abstraction on the site  
195 would not solve the increase in flood risk at Low Area 6. Mr. Sobiech said the applicant  
196 analyzed if decreasing the proposed development's imperviousness by 30% would reduce  
197 the 100-year event flood risk by one-tenth of a foot, and the model showed it would not  
198 and neither would increasing the proposed onsite stormwater pond capacity by 400%.

199 President Pedersen commented she has heard climatologists say the Atlas-14 numbers are  
200 probably outdated, such as the 7.4 inches of rainfall in 24 hours during a 100-year event  
201 and actual amounts will be more than that. Mr. Sobiech stated the applicant is required to  
202 use Atlas-14 because that is the published information.

203 Manager Koch said it seems to him the Board should approve this variance.

204 Mr. Smith said if there is an increased downstream flood risk , the District would require  
205 the impacted land owners exposed to that increased flood risk be notified of it. He asked  
206 how this relates to the drainage and utilities easement because if all the increased risk is  
207 within the drainage easement, that is a different scenario. Mr. Smith said in the event there  
208 is an increased flood risk, Legal Counsel's recommendation would be to have the  
209 applicant indemnify the District from any claims arising from that increased flood risk.

210 Manager Koch moved to adopt the resolution set forth in the report under the heading  
211 "Potential Board Variance Action" and approve the resolution based on the presentations  
212 and findings with the exception that the variance be conditioned upon the applicant  
213 providing written indemnification of the District signed by a representative with authority  
214 to bind the applicant from all claims and causes of actions arising from the proposed non-  
215 compliance with the Riley Purgatory Bluff Creek Watershed District's rate control  
216 criteria. Manager Ziegler seconded the motion.

217 Manager Duevel asked how indemnification would work 10 years from now, particularly  
218 if the company is out of business. Mr. Smith said the District could impose the  
219 indemnification obligation on each of the 17 lot owners, meaning it would be recorded on  
220 each property.

221 Manager Ziegler commented that in the worst case of flooding, the water would flow into  
222 the road.

223 Manager Crafton said she has a problem with the project going from an 18-inch storm  
224 sewer pipe to a 21-inch pipe, which moves the problem downstream.

225 Manager Duevel said he is in favor of approving the variance. He said the District's rules  
226 were probably written when more land was available. Manager Duevel commented now  
227 there is diminishing property available to develop, so the District needs to think through  
228 its rules.

229 Manager Ziegler asked if the District needs the City of Eden Prairie to indemnify the  
 230 District regarding the potential for flooding in the road. Mr. Sobiech explained the current  
 231 conditions and the proposed conditions could result in flooding of the road. He said the  
 232 City has been very involved with the process with this permit and encouraged the  
 233 applicant to go from an 18-inch pipe to a 21-inch pipe.

234 Anton Cheskis of Huemoeller, Gontarek & Cheskis, PL stated he represents Brandle  
 235 Anderson, the developer and applicant. He encouraged the Board to ask its legal counsel  
 236 what the District’s legal standard is for a variance. Mr. Cheskis said the undue hardship  
 237 standard is no longer the law and the Board’s job is to evaluate whether there are practical  
 238 difficulties for this owner in using the property in a reasonable manner allowed by the  
 239 zoning ordinance and that the applicant did not create. Mr. Cheskis said developing the  
 240 property as the zoning allows does not create the property owner’s own plight. He said the  
 241 City encouraged the property owner/applicant to put in the 21-inch pipe. Mr. Cheskis said  
 242 if granted, the variance will not alter the essential characteristics of the locale, and that is  
 243 the standard, and as long as the project meets that standard, the variance should be  
 244 granted. Mr. Cheskis said the proposed project in front the Board is the best the applicant  
 245 thinks can be done. He said if the variance is not granted, essentially the action is an  
 246 inverse condemnation because the Board is telling the applicant that even though the  
 247 zoning code permits it, the applicant cannot develop this property. Mr. Cheskis says he  
 248 and the applicant appreciate the Board’s comments but asked the Board to focus on the  
 249 legal standard for a variance.

250 Matt Olson of Brandle Anderson stated the City of Eden Prairie approved the proposed  
 251 project in early May and so the developer has the development contract in hand.

252 Mr. Smith said he wants to make sure the motion included the evidence of informing the  
 253 two property owners at Low Area 6. Manager Koch modified his motion to include the  
 254 notification of the land owners. Manager Ziegler agreed to Manager Koch’s modification  
 255 to notify the landowner. By unanimous consent the managers agreed to the modification  
 256 to the motion.

257 Manager Ziegler moved to modify the motion to request the applicant meet with the City  
 258 of Eden Prairie to discuss the Low Area 6 flooding in a 100-year event. President  
 259 Pedersen seconded the motion to amend the motion. Manager Ziegler withdrew his  
 260 motion to amend.

261 Upon a roll call vote, the motion carried 3-2 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	No
Duevel	Yes
Koch	Yes

Pedersen	No
Ziegler	Yes

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**e. Approve Permit 2023-077 Enclave at Manor Road as Presented in the Proposed Board Action Section of the Permit Review Report**

Manager Ziegler moved to approve Permit 2023-077 Enclave at Manor Road as Presented in the Board Action Section of the Permit Review Report. Manager Duevel seconded the motion.

Upon a roll call vote, the motion carried 3-2 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	No
Duevel	Yes
Koch	Yes
Pedersen	No
Ziegler	Yes

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**f. Consider Permit 2024-023 Chanhassen Civic Campus Variance Requests from Rule J for Low Floor Elevation and Stormwater Management Implementation Timing**

Mr. Sobiech displayed a PowerPoint presentation “ 2024-023 Chanhassen Civic Campus.” He explained the applicant proposes two bioretention basins on the site, one of which is proposed to be located approximately 40 feet away from the new structure, including the underground parking. Mr. Sobiech said the low floor elevation of the underground parking is 970.8 with no freeboard. He said the applicant proposes to flood-proof the building and drain tile around it and to line the stormwater BMP to prohibit infiltration to make sure the groundwater conditions are not any worse than they are currently. Mr. Sobiech explained the applicant is asking for a variance from the District’s low floor criteria.

Mr. Sobiech said the project’s shortfall from compliance with the District’s low floor criteria affects only the building on the applicant’s property. He explained because the proposed project will reduce the discharge leaving the site relative to existing conditions, the proposed project is not reasonably likely to cause offsite adverse impacts in terms of

289 flood risk. He noted the underground parking is slated as staff parking, so the public will  
 290 not be at risk.

291 Mr. Sobiech summarized his analysis by saying the lack of freeboard and separation to  
 292 groundwater for the proposed building on the site does not present an increased material  
 293 risk to downstream properties or water resources. He said if the managers grant the  
 294 variance, the District Engineer recommends the managers discuss with Legal Counsel a  
 295 condition to indemnify the District from any and all claims arising from the proposed  
 296 noncompliance with the District’s low-flow criteria.

297 Manager Ziegler asked if the drain tile around the underground garage drains into the  
 298 storm sewer or will be pumped elsewhere. Joe Seidl of the City of Chanhassen said the  
 299 drain tile is below an outlet to the storm sewer, so it will be pumped to the roof drains and  
 300 then out to the storm sewer system.

301 Manager Crafton asked if the City approved the project. Mr. Howley said yes, the City  
 302 approved the bid and contract. Administrator Jeffery said there is precedence as the  
 303 Southwest Station had the same issue.

304 Manager Koch recommended the City go back to the project engineers and designers to  
 305 have them eliminate the one-foot difference. He said taxpayer money is building this  
 306 project and it will be taxpayer money to fix issues, so the risk should be minimized by  
 307 raising the low floor to the seasonally high groundwater level.

308 Manager Crafton moved to Approve 2024-023 Chanhassen Civic Campus Variance  
 309 Requests from Rule J for Low Floor Elevation and Stormwater Management  
 310 Implementation Timing. Manager Duevel seconded the motion.

311 Mr. Seidl said the variance is in front of the Board because of the BMP proposed for the  
 312 site. Mr. Howley said the BMP is not needed to meet the rules, but the City of Chanhassen  
 313 recognizes there is a tangible water quality benefit to the BMP and the Stantec team  
 314 worked to reduce risks associated with it. Mr. Howley added there are intangible benefits  
 315 such as the City leading by example to build the BMP and showing and educating  
 316 residents about it.

317 Manager Koch asked if we have no rule about groundwater. Mr. Sobiech said correct.  
 318 Manager Koch said the District has a real problem with its rules.

319 Mr. Smith clarified the motion language includes the indemnification language included  
 320 in the engineer’s analysis report. The managers concurred.

321 Upon a roll call vote, the motion carried 4-1 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes

Koch	No
Pedersen	Yes
Ziegler	Yes

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Mr. Sobiech said the second variance the City is requesting has to do with the timing of the implementation of the stormwater management system. He explained the City proposes an offsite reuse system to provide abstraction and water quality treatment for this site. Mr. Sobiech said the offsite reuse system project will not happen until 2025 with full implementation in late 2026, so a variance is needed because the abstraction and treatment will not happen during the term of this permit. He said the gap between the end of the Civic Center project and the time the reuse system will be operational is likely 12 months. Mr. Sobiech said in the interim, the existing stormwater pond will provide stormwater treatment for water coming from the Civic Center site. He said the model predicts the pond will remove approximately 65% of the total phosphorous and 85% of the total suspended solids, meaning the reuse system is needed to meet the criteria.

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Manager Crafton moved to approve variance request #2 for Permit 2024-023 Chanhassen Civic Campus. Manager Ziegler seconded the motion.

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Manager Koch said if we grant this request, the project will not meet the District's requirements. Mr. Sobiech said yes.

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Mr. Howley said the long-term benefit of building this regional BMP vastly outweighs the benefit of trying to go through a different approach.

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Manager Koch asked if the District has any financial assurances if the City does not do the reuse project. Mr. Sobiech said the District does not require a financial assurance from a public entity, but if for some reason the reuse system is not constructed, the City will need to come back to the District with an alternative storm water management plan to demonstrate compliance.

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Manager Koch moved to amend the motion to incorporate the discussion of the requirements regarding the completion of the groundwater reuse and the requirement if it has not happened to apply for a permit for continued operations.

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Manager Crafton and Manager Ziegler consented to Manager Koch's amendment.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes

Koch	Yes
Pedersen	Yes
Ziegler	Yes

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**g. Approve Permit 2024-023 Chanhassen Civic Campus as Presented in the Proposed Board Action Section of the Permit Review Report**

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Manager Crafton moved to approve Permit 2024-023 Chanhassen Civic Campus as Presented in the Proposed Board Action Section of the Permit Review Report. Manager Duevel seconded the motion.

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Manager Koch moved to amend the motion to adopt the resolutions as set forth on page one of the report. Manager Crafton and Manger Duevel consented to Manager Koch's amendment to the motion.

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Upon a roll call vote, the motion carried 5-0 as follows:

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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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**8. Discussion Items**

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**a. LMCIT Insurance Updates**

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Administrator Jeffery recommended continuing to use LMCIT for insurance. Manager Koch said he would appreciate in the future getting the chart of coverages and charts.

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Administrator Jeffery said the link goes to that LMCIT information. Manager Koch asked for a chart before the Board takes action. President Pedersen said this is just an

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update to notify the Board of the decrease of 3.75%.

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**b. Discussion of Larry Koch v. RPBCWD and Terrance Jeffery (the Board may go into closed session)**

Mr. Smith recommended the Board adopt a motion to move into closed session for the purposes of discussing the lawsuit Larry Koch v. RPBCWD and Terrance Jeffery and the need for privileged attorney-client discussion of litigation strategy.

Manager Crafton moved to go into closed session for the purposes of discussing the lawsuit Larry Koch v. RPBCWD and Terrance Jeffery and privileged attorney-client discussion of litigation strategy. Manager Duevel seconded the motion.

Upon a roll call vote, the motion carried 4-0 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Abstain
Pedersen	Yes
Ziegler	Yes

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The Board moved into closed session at 9:38 p.m.

The Board reconvened the public meeting at 9:46 p.m.

**9. Member Reports**

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**a. Manager Reports**

Manager Crafton reported Dan Shaw of the Minnesota Board of Water and Soil Resources said he might be able to have a grad student come to do an ecological assessment of the property the District is acquiring. She said she would like to move to direct staff to contact Dan Shaw to explore that possibility. President Pedersen seconded the motion. On a roll call vote, the motion carried 4-1 as follows:

<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	No*

Pedersen	Yes
Ziegler	Yes

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\*Prior to voting Manager Koch said he believes this is out of order.

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Manager Crafton said Dawn and Grant Breikreutz are doing a soil health event on their property July 16 and 17 as part of the Minnesota Soil Health Coalition and she would like staff to be able to attend. She said participation requires a membership costing \$25 to \$40 and up to \$300 per attendee. She said she will have the Director send the information to Administrator Jeffery.

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Manager Koch reiterated his prior concerns of the District not having an HR consultant and not having an IT consultant. He said we continue to violate the Open Meeting Law. He said he has a number of outstanding Data requests. He suggested staff attend the seminars given by the State of Minnesota Administrative Division regarding the Open Meeting Law and Data Practices Act.

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**b. Administrator Report**

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Administrator Jeffery had no report.

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**c. Legal Counsel Report**

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Mr. Smith had no report.

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**10. Upcoming Board Topics**

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**a. Lotus Lake Water Quality Improvement Project**

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**b. 2023 Audit**

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**c. Preliminary Budget and Levy**

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**11. Upcoming Events**

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**a. MN Watersheds Summer Tour – June 25-27**

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**12. Adjournment**

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Manager Ziegler moved to adjourn the meeting. Manager Crafton seconded the motion.

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Upon a roll call vote, the motion carried 5-0 as follows:



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<i>Manager</i>	<i>Action</i>
Crafton	Yes
Duevel	Yes
Koch	Yes
Pedersen	Yes
Ziegler	Yes

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The meeting adjourned at 9:55 p.m.

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Respectfully submitted,

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Tom Duevel, Secretary

